IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1366 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/07/2004 in WP NO : 12791 OF 2004 on the file of the High Court.)

Between:

M/s. Jaya Diagnostic & Research Centre Ltd. Medwin Hospitals, Raghava Ratna Towers Chirag Ali Lane,
Hyderabad. represented by its Managing Director Sri B.K. Rao

..... APPELLANT

AND

1. The E.P.F. Appellate Tribunal, 60, Skylark Building, 7th Floor, Nehru Place, New Delhi.

2. Assistant provident Fund Commissioner (Enf) Office of the Regional P.F. Commissioner, Barkatpura, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.VILAS V.AFZULPURKAR

Counsel for the Respondents: MR.R.N.REDDY

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Challenge is to the order passed by the learned single Judge by which learned single Judge directed that on appellant's depositing 50% of the demanded amount within 8 weeks, further steps pursuant to the order impugned in the appeal before the Employees Provident Fund Appellate Tribunal shall remain stayed pending disposal of the appeal.

The appellate tribunal is not functioning and for that reason appellant approached this court. Appellant before the statutory appellate tribunal is supposed to deposit 75% of the amount as condition precedent for appeal subject of course to any order that may be passed by the tribunal. The direction of learned single Judge for deposit of 50% and granting eight weeks' time hardly requires any interference in appeal.

Appeal accordingly is dismissed. However, while dismissing the appeal, we grant two months' further time from the date of expiry of the period as given by the learned single Judge for deposit of 50% of the amount. Till then no coercive action shall be taken against the appellant.

_____

DEVINDER GUPTA, CJ

13-9-2004

_____

C.V.RAMULU, J

Tvr

To

1. The Registrar, The E.P.F. Appellate Tribunal, 60, Skylark Building, 7th Floor, Nehru Place, New Delhi.

2. Assistant provident Fund Commissioner (Enf) Office of the Regional P.F. Commissioner, Barkatpura, Hyderabad.

3. 2 CD copies.